

## Chapter 22.86      Green Building

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### 22.86.020 Purpose

- A. The purpose of this Chapter is to establish green building development standards for new projects. Green building practices are intended to:
1. Conserve water;
  2. Conserve energy;
  3. Conserve natural resources;
  4. Divert waste from landfills;
  5. Minimize impacts to existing infrastructure; and
  6. Promote a healthier environment.
- B. This Chapter shall be construed to augment any county, state or federal ordinance, statute, regulation, or other requirement governing the same or related matter, including a supplemental district, community standards district, or transit-oriented district established under this Ordinance, and where a conflict exists between a provision in this Chapter and such other ordinance, statute, regulation, or requirement, the stricter provision shall apply to the extent permitted by law.

### 22.86.030 Definitions

For purposes of this Chapter, the following definitions shall apply:

- A. **Agricultural accessory structure.** A structure used to shelter animals or agricultural equipment, hay, feed, and/or other agricultural supplies. Examples include a barn, a greenhouse, a coop, a corral, and a pen.

- B. **Build It Green™.** A non-profit organization whose mission is to promote healthy, energy and resource-efficient residential building practices in California.
- C. **California energy efficiency standards.** The energy efficiency standards for residential and non-residential buildings established in Title 24, Part 6 (California Energy Code) of the California Code of Regulations, as these standards may be updated from time to time.
- D. **County green building standards.** The minimum green building development requirements for all projects in the unincorporated areas of the County, as set forth in Section 22.86.050.B (County Green Building Standards).
- E. **Drought-tolerant plant list.** A list of native and non-native plant species, approved by the Director and maintained by the Department, which is organized by ecological zones for use in landscaped areas within all projects.
- F. **First-time tenant improvement.** The initial improvement of the interior of a building or portion thereof, where the work requires any of the following permits: building, electrical, plumbing, or mechanical.
- G. **GPR.** Green Point Rated™, a green building rating system for residential construction, developed and administered by Build It Green™.
- H. **Green building technical manual.** A manual prepared by the Department that includes the most recent third-party standards and rating systems accepted by the commission for inclusion in the manual, as required by Section 22.86.050.D (Updates to the Green Building Technical Manual), as well as other pertinent information, to assist applicants in complying with the requirements of this Chapter. The green building technical manual includes the drought-tolerant plant list.
- I. **Landscaped area.** The cumulative landscaped area of a lot planted with turf, shrubbery, flowers or trees, but shall not include the area in which any tree required by this Chapter or any mature tree is situated. For single-family residences, the landscaped area shall be any area measured from the front property line to the front of the residence.
- J. **LEED™.** The Leadership in Energy and Environmental Design Green Building Rating System™, an independent certification system of green building point categories and guidelines established by the United States Green Building Council as a means to verify the sustainable qualities of differing building types. LEED™ certification has four ratings from lowest to highest, respectively, in terms of sustainable qualities: certified, silver, gold, and platinum.
- K. **LEED™ accredited professional.** An accredited professional from the building industry with a demonstrated knowledge and understanding of green building

practices and principles, as well as a familiarity with LEED™ requirements, resources, and processes, all as described by LEED™.

- L. **Lodging house.** Any building or portion thereof containing five or fewer guest rooms designed, used, intended to be used, or hired out to guests for purposes of lodging.
- M. **Mature tree.** Any tree rooted on a lot, the trunk of which is at least six inches in diameter, measured four and one-half feet above the mean natural grade.
- N. **Project.** The construction of any new building, where “building” is defined in Title 26 (Building Code) of the County Code, or first-time tenant improvement, but shall exclude the remodel or addition to an existing building. If a site contains one or more separate buildings, each separate building shall comply with this Chapter.
- O. **Registered historic site.** A property listed on any federal, state, or county register related to historic designation or status, including but not limited to the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, and State Points of Historical Interest.
- P. **Smart irrigation controller.** A watering device that uses sensors and weather information to automatically adjust watering times and frequency in response to weather changes.
- Q. **Third-party standards and rating systems.** The two independent green building standards and rating systems, GPR and LEED™, as those standards and rating systems may be updated from time to time.
- R. **United States Green Building Council (USGBC).** A non-profit organization whose mission is to promote the development of buildings and structures that are environmentally responsible, profitable, and healthy places to live and work.

#### **22.86.040 Applicability**

- A. The provision of this Chapter shall become effective on January 1, 2009 and shall apply to all projects within the unincorporated areas of the County after that date except for the following:
  - 1. Any project where a complete building permit application was filed with the Department of Public Works prior to January 1, 2009, except as provided in Subsection A.3, below;
  - 2. Any project where a building permit was obtained prior to January 1, 2009, and expired prior to its use, where Public Works determines that the use of the building permit was delayed because of third-party litigation against the

County related to the County's approval of the project. This exemption shall not apply if Public Works determines that material changes to the scope of the building permit are required as a result of the litigation;

3. Any project involving construction of single-family residences on lots created by a parcel map which created four or fewer residential lots, or any project involving a building permit for the construction of one single-family residence on a legal lot, in both cases where a complete building permit application was filed with Public Works prior to April 1, 2009; and
  4. Any project that is exempt from the provisions of this Chapter pursuant to Section 22.86.040 (Exemptions).
- B. Where a project involves a subdivision map with single-family lots and the map was approved after the effective date of this Chapter, the total number of single-family lots on the originally approved map shall be deemed to be the number of dwelling units in the project for purposes of determining the project's appropriate green building requirements under Table 22.86.050.A (Green Building Requirements).

## **22.86.050 Exemptions**

- A. The following projects shall be exempt from the provisions of this Chapter:
1. Agricultural accessory structures;
  2. Registered historic sites; and
  3. First-time tenant improvements with a gross floor area of less than 10,000 square feet.
- B. Areas of a project that include warehouse/distribution buildings, refrigerated warehouses, and industrial/manufacturing buildings shall be exempt from the energy conservation requirements in Section 22.86.050.B.1 (Energy Conservation) and the third-party standards and rating system requirements in Section 22.86.050.C (Additional Green Building Requirements for Certain Projects). Any office space, non-refrigerated, non-warehouse, and non-industrial/ manufacturing areas of a building that are physically separated from the exempted area of the building just described, as determined by the Director of Public Works, shall comply with all of the requirements of this Chapter.

## **22.86.060 Green Building Requirements**

- A. **Summary of Requirements.** Table 22.86.050: Green Building Requirements for Projects summarizes the general green building requirements for a project. If a project falls within more than one project description in said Table, the project description with the more stringent green building requirements shall apply.

Table 22.86.050: Green Building Requirements for Projects		
	<i>Project Description</i>	<i>Green Building Requirements</i>
1	Residential projects with < 5 dwelling units	County Green Building Standards
2	Residential projects with ≥ 5 dwelling units	County Green Building Standards & (GPR or LEED Certified)
3	Hotels/motels, lodging houses, non-residential, and mixed-use buildings, with a gross floor area of < 10,000 square feet	County Green Building Standards
4	Hotels/motels, lodging houses, non-residential, and mixed-use buildings, and first-time tenant improvements, with a gross floor area of ≥ 10,000 square feet and < 25,000 square feet	County Green Building Standards & LEED Certified
5	Hotels/motels, lodging houses, non-residential, and mixed-use buildings, and first-time tenant improvements, with a gross floor area of ≥ 25,000 square feet	County Green Building Standards & LEED™ Silver
6	High-rise buildings > 75 feet in height	County Green Building Standards & LEED™ Silver

## B. County Green Building Standards.

1. **Energy Conservation.** All projects shall be designed to consume at least 15 percent less energy than allowed under the 2005 Update to the California Energy Efficiency Standards, except that projects exempt from energy compliance under these 2005 standards shall also be exempt from this requirement. Energy usage for purposes of this Subsection B.1 shall be determined by the Time Dependent Valuation Method described in Title 24, Part 6 (California Energy Code) of the California Code of Regulations.
2. **Outdoor Water Conservation.**
  - a. A smart irrigation controller shall be installed for any area of a lot that is landscaped or designated for future landscaping.
  - b. All landscaped areas shall meet the drought-tolerant requirements set forth in Chapter 22.88 (Drought-Tolerant Landscaping).
3. **Indoor Water Conservation.** All tank-type toilets installed in residential projects containing five or more dwelling units, regardless of gross floor area, or in hotels/motels, lodging houses, non-residential, and mixed-use buildings with a gross floor area of at least 10,000 square feet shall have toilets with a (maximum 1.28 gallons per flush), or shall be dual-flush tank toilets with an average of 1.28 gallons per flush.
4. **Resource Conservation.**

- a. A minimum of 50 percent of non-hazardous construction and demolition debris by weight from all residential projects containing less than five dwelling units regardless of gross floor area, or from hotels/motels, lodging houses, non-residential, and mixed-use buildings with a gross floor area of less than 10,000 square feet shall be recycled and/or salvaged for reuse.
- b. A minimum of 65 percent of non-hazardous construction and demolition debris by weight from all residential projects containing at least five dwelling units regardless of gross floor area, or from hotels/motels, lodging houses, non-residential, and mixed-use buildings with a gross floor area of at least 10,000 square feet shall be recycled and/or salvaged for reuse.
- c. Compliance with this Subsection B.4 shall be governed by the methods and procedures set forth in Chapter 20.87 of Title 20 (Utilities) of the County Code.

5. ***Tree Planting.***

- a. For each lot containing a single-family or duplex residence, a minimum of two 15-gallon trees shall be planted and maintained, at least one of which shall be from the drought-tolerant plant list. The satisfaction of the number of trees may be used to fulfill other tree-planting requirements of this Ordinance and Title 21 (Subdivisions) of the County Code.
- b. For each lot containing residential buildings with more than two dwelling units, a minimum of one 15-gallon tree shall be planted and maintained for every 5,000 square feet of developed area, at least 50 percent of which shall be from the drought-tolerant plant list. The satisfaction of the number of trees may be used to fulfill other tree-planting requirements of this Ordinance and Title 21 (Subdivisions) of the County Code.
- c. For each lot containing a hotel/motel, lodging houses, and non-residential buildings, a minimum of three 15-gallon trees shall be planted and maintained for every 10,000 square feet of developed area, at least 65 percent of which shall be from the drought-tolerant plant list. The satisfaction of the number of trees may be used to fulfill other tree-planting requirements of this Ordinance.
- d. Exceptions to tree-planting requirements.

- i. If the lot size or other site condition makes the planting of the required trees pursuant to this Subsection C.5 impractical in the opinion of the Director, the Director may approve the planting of the required trees off-site at twice the ratio than would otherwise be required by this Subsection. The procedures for planting trees off-site shall be set forth in the green building technical manual and proof that such trees have been planted off-site shall be submitted to the Department.
- ii. Any existing mature tree on the involved lot shall count towards the tree planting requirements of this Subsection regardless of whether such tree is listed on the drought-tolerant plant list. Such existing mature tree shall be shown on the site plan submitted to the Department.

C. **Additional Green Building Requirements for Certain Projects.** In addition to the green building requirements set forth in Subsection B, above, this Subsection C sets forth green building requirements for certain projects, described below.

1. For a residential project containing five or more dwelling units, the project shall achieve GPR or LEED™ certification or, at the option of the applicant, shall achieve the equivalency of any such certification, as determined by Public Works.
2. For a hotel/motel, lodging house, non-residential or mixed-use building, or first-time tenant improvement, with a gross floor area of at least 10,000 square feet but less than 25,000 square feet, the project applicant shall retain a LEED™ accredited professional or other green building professional, approved by the Director and the Director of Public Works, to be part of the project design team. In addition, the project shall achieve the equivalency of LEED™ certification, either through USGBC certification or through an equivalency determination by Public Works. The building design submitted to Public Works shall show all of the building elements that will be used to achieve such certification or such equivalency determination.
3. For a hotel/motel, lodging house, non-residential or mixed-use building, or first-time tenant improvement project, with a gross floor area greater than 25,000 square feet or for a high-rise building greater than 75 feet in height, the project applicant shall retain a LEED™ accredited professional or other green building professional, approved by the Director and Public Works, to be part of the project design team. In addition, the project shall achieve the equivalency of a LEED™ silver certification, either through USGBC certification or through an equivalency determination by Public Works. The building design submitted to Public Works shall show all of the building

elements that will be used to achieve such certification or such equivalency determination.

4. For purposes of this Subsection C, the determination of whether a project achieves the equivalency of LEED™ certification shall be based on the project's use of a defined subset of menu options set forth in the green building technical manual.

D. **Updates to the Green Building Technical Manual.** The green building technical manual shall be updated with revised third-party standards and rating systems as provided in this Subsection D.

1. The green building taskforce established by the Board of Supervisors shall annually review all updates to the third-party standards and rating systems, or more frequently as deemed necessary by the taskforce, to determine whether, in its opinion, the inclusion of such updates in the green building technical manual is appropriate. Any such determination by the green building taskforce shall be submitted to the Commission in the form of a recommendation.
2. The Commission shall hold a public hearing pursuant to Chapter 22.114 (Common Procedures) to consider any and all recommendations by the green building taskforce described in Subsection D.1, above. No update to the third-party standards and rating systems may be included in the green building technical manual, or relied upon for compliance with this Chapter, until such update is approved for inclusion in the manual by the Commission. Any decision by the Commission regarding such inclusion shall be appealable to the Board of Supervisors and, if appealed, shall not be included in the manual or relied upon for compliance with this Chapter until final action by the Board of Supervisors on such appeal.
3. Any approved update to the green building technical manual pursuant to this Subsection shall be effective six months after the Commission, or, where applicable, the Board of Supervisors, takes final action to approve such update, except that updates related to the California energy efficiency standards shall be effective in accordance with state law.

## **22.86.070 Site Plan Review**

- A. Compliance with the green building requirements of this Chapter shall be shown through a site plan review under this Ordinance, where a site plan review required by this Ordinance shall clearly depict or list any green building elements that will be incorporated into the project. In addition, all building plans and specifications required by the Public Works for the project shall also clearly depict or list such green building elements. The Department shall approve compliance with these



requirements in concept only. Final approval of such compliance shall be made by Public Works.

- B. The same site plan shall be used to show compliance with this Chapter, the drought-tolerant landscaping requirements in Chapter 22.88 (Drought-Tolerant Landscaping), and the low-impact development standards described in Chapter 12.84 of Title 12 (Environmental Protection) of the County Code, to the extent that these other requirements apply to the project.
- C. In any case where a site plan for a project has been or will be concurrently filed with an application for a permit, variance, zone change, development agreement, or other discretionary entitlement under this Ordinance, or with an application for a subdivision under Title 21 (Subdivisions) of the County Code, the site plan procedure set forth above in this Section shall not apply and instead, the Exhibit "A", tentative map, or other site plan required for such other approval shall be used to show compliance with this Chapter.

### **22.86.080 Waiver or Modification of Requirements**

The Director of Public Works may grant a waiver or modification to the requirements of this Chapter for a project whenever said Director determines that there are practical difficulties involved in carrying out the provisions of this Chapter, provided that said Director finds that a special individual reason makes the strict letter of this Chapter impractical, that the waiver or modification is in conformity with the spirit and purpose of this Chapter, and that such modification does not lessen any fire-protection or other life-safety-related requirements or any degree of structural integrity. The details of any such action by the Director of Public Works granting a waiver or modification to the requirements of this Chapter shall be memorialized in writing and maintained in the files of the Department and the Department of Public Works.

## Chapter 22.88      Drought-Tolerant Landscaping

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### Sections:

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22.88.040	Exemptions
22.88.050	Drought-Tolerant Landscape Requirements
22.88.060	Site Plan Review
22.88.070	Modification of Landscaping Requirements

### 22.88.010 Purpose

- A. The purpose of this Chapter is to establish minimum standards for the design and installation of landscaping using drought-tolerant plants and native plants that require minimal use of water. These requirements will help conserve water resources by requiring landscaping that is appropriate to the region's climate and to the nature of a project's use.
- B. The provisions of this Chapter shall be construed to augment the regulations of any retail or wholesale water provider, and any County, State, or federal ordinance, statute, regulation, or other requirement governing the same or related matter, including a supplemental district, community standards district, or transit-oriented district established under this Ordinance, and also including Chapter 71 (Water Efficient Landscaping) of Title 26 (Building Code) of the County Code, and where a conflict exists between a provision in this Chapter and such other ordinance, statute, regulation, or other requirement, the stricter provision shall apply to the extent permitted by law.

### 22.88.020 Definitions

For purposes of this Chapter, the following definitions shall apply:

- A. **Drought-tolerant plant.** A native or non-native plant that requires minimal use of water, and that is appropriate to the region's climate and the nature of a project's use.
- B. **Drought-tolerant plant list.** A list of native and non-native plant species, approved by the Director and maintained by the Department, which list is organized by ecological zones for use in landscaped areas within all projects.
- C. **Ecological zone.** A geographic area where plants are indigenous or otherwise appropriate.

- D. **Green building technical manual.** A manual prepared by the Department that includes the most recent third-party standards and rating systems accepted by the commission for inclusion in the manual, as required by Section 22.86.050.D (Updates to the Green Building Technical Manual) as well as other pertinent information, to assist applicants in complying with the requirements of this Chapter. The green building technical manual includes the drought-tolerant plant list.
- E. **Hydrozone.** A portion of a landscaped area that has plants with similar water and sun needs and that are served by an irrigation valve or set of valves operating on the same schedule.
- F. **Landscaped area.** The cumulative landscaped area of a lot planted with turf, shrubbery, flowers or trees, but shall not include the area in which any tree required by this Chapter or any mature tree is situated. For single-family residences, the landscaped area shall be any area measured from the front property line to the front of the residence.
- G. **Mature tree.** Any tree rooted on a lot, the trunk of which is at least six inches in diameter, measured four and one-half feet above mean natural grade.
- H. **Project.** The construction of any new building, where “building” is defined in Title 26 (Building Code) of the County Code, or first time tenant improvement, but shall exclude the remodel or addition to an existing building. If a site contains one or more separate buildings, each separate building shall comply with this Chapter.
- I. **Public recreational lawn.** An area planted with turf or other mowed ground cover that is maintained for recreation or enjoyment by the public, including athletic fields that are available for use by the public or membership associations.
- J. **Registered historic site.** A property listed on any federal, State, or County register related to historic designation or status, including, but not limited to, the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, and State Points of Historical Interest.
- K. **Turf.** Grass maintained by mowing and watering.

### **22.88.030 Applicability**

The provisions of this Chapter shall become effective on January 1, 2009, and shall apply to all projects after that date except for projects exempted in Section 22.88.040 (Exemptions).

### **22.88.040 Exemptions**

- A. The following projects shall be exempt from the provisions of this Chapter:

1. Any project where a complete building permit application was filed with the Department of Public Works prior to January 1, 2009;
2. Any project involving construction of single-family residences on lots created by a parcel map which created four or fewer residential lots, or any project involving a building permit for the construction of one single-family residence on a legal lot, in both cases where a complete building permit application was filed with the Department of Public Works prior to April 1, 2009;
3. Any project involving construction on a lot with an existing single-family residence not involving the complete replacement of that residence;
4. Registered historical sites;
5. Public recreational lawns;
6. Any new and/or renovation project for a park; and
7. Any area of a project dedicated solely and permanently to edible plants, such as orchids and vegetable gardens.

B. The following may be exempt from the provisions of this Chapter:

1. Landscaping for a manufactured cut or fill slope equal to or exceeding a gradient of 3:1, when Public Works makes a determination that such exemption is necessary to comply with the requirements of the building code regulating engineered grading; and
2. Landscaped areas required for low-impact development (LID), as described in Chapter 12.84 of Title 12 (Environmental Protection) of the County Code, water quality facilities such as vegetated swales, rain gardens, detention ponds or basins, areas of the project used to contain pollutants, or areas irrigated by reclaimed water, when Public Works makes a determination that such exemption is necessary for compliance with the LID standards established in said Chapter 12.84.

### **22.88.050 Drought-Tolerant Landscaping Requirements**

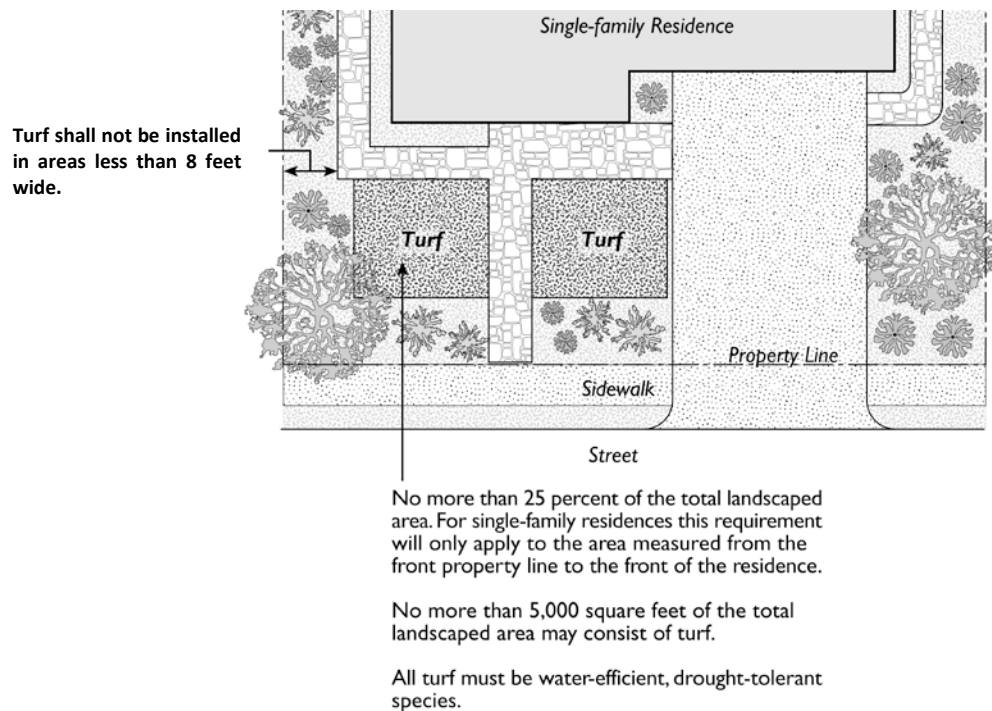
All projects shall comply with the drought-tolerant landscaping requirements of this Section.

A. **Landscaped Area.** The landscaped area of a lot on which a project is situated shall satisfy the following:

1. A minimum of 75 percent of the landscaped area shall contain plants from the drought-tolerant plant list;

2. A maximum of 25 percent of the landscaped area may consist of turf, however, in no event shall turf be planted in strips that are less than eight feet wide, and in no event shall the total landscaped area contain more than 5,000 square feet of turf;
3. All turf in the landscaped area shall be water-efficient. The green building technical manual shall contain a list of turf that meets this requirement; and
4. The plants in the landscaped area shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun, and light), and maintenance requirements.

**FIGURE 22.88.050.A: TURF**



- B. **Single-Family Residences.** For single-family residences, in addition to the landscaping requirements of Subsection A, above, in calculating the maximum square footage of turf used, the turf in the residence's rear and side yards shall be included in the measurement of the turf used for the total landscaped area.
- C. **Drought-Tolerant Landscaping Covenant.** A covenant shall be recorded in the Los Angeles County Registrar-Recorder/County Clerk indicating that the owner of the subject project is aware of the drought-tolerant landscaping requirements of this Chapter and is also aware of how said requirements apply to the owner's project.

- D. **Fire Department Requirements.** Any and all planting restrictions placed on the project by the Fire Department shall apply to the project, including but not limited to the restrictions under said Department's fuel modification plan guidelines.

### **22.88.060 Site Plan Review**

Compliance with the drought-tolerant landscaping requirements of this Chapter shall be shown through a site plan review in accordance with the Type I application and as further described in this Section.

- A. The site plan for the project shall depict or list any drought-tolerant and non-drought-tolerant landscaping that will be incorporated into the project. In addition, the site plan shall outline the areas of the project to be landscaped with drought-tolerant plants and/or turf, and calculations shall be provided on the site plan showing the percent of landscaped area devoted to each. Upon installation of the landscaping, plants other than as originally shown on the site plan may be installed without additional approval from the Department as long as the same relative percentage of drought-tolerant plants to turf as originally designed is maintained. The site plan shall also depict the location of the trees planted, as required by Section 22.86.050.B (County Green Building Standards).
- B. The same site plan shall be used to show compliance with this Chapter, the green building requirements of Chapter 22.86 (Green Building), and the low impact development standards of Section 22.84.080 (Low Impact Development), to the extent these other requirements apply to the project.
- C. In any case where a site plan for a project has been or will be concurrently filed with an application for a permit, variance, zone change, development agreement, or other discretionary approval under this Ordinance, or with an application for a subdivision under Title 21 (Subdivisions) of the County Code, the site plan procedure set forth in this Section shall not apply and instead, the Exhibit "A", tentative map, or other site plan required for such other approval shall be used to show compliance with this Chapter. In addition, in any case where the project requires a discretionary land use approval from the County, full landscape plans for the project shall be submitted to the Department to demonstrate compliance with this Chapter, and those landscape plans shall be fully reviewed by the Department as part of such approval process.

### **22.88.070 Modification of Landscape Requirements**

- A. **Director's Authority.** The Director, without notice or a hearing, may grant a modification to the landscaping requirements of this Chapter under the following circumstances:

1. When a project's topographical features, lot size, or other conditions make it unreasonable, impractical, or otherwise create an unnecessary hardship to require compliance with these landscaping requirements; or
  2. When the nature of a large-scale or multi-lot project necessitates flexibility in the project design that impacts the landscaping for the project.
- B. **Filing.** Any request for a modification to the landscaping requirements of this Chapter that is not filed concurrently with an application for a permit, variance, or other discretionary land use approval under Ordinance, or with an application for a subdivision under Title 21 (Subdivisions) of the County Code, shall be processed as a Type II application in accordance with the provisions of Chapter 22.120 (Type II Applications—Discretionary).
- C. **Decision.** Any decision by the Director on a modification request pursuant to this Section may be appealed to the Commission; and any decision by the Commission may be appealed to the Board of Supervisors. All appeals shall be governed by Chapter 22.138 (Appeals).

## Chapter 22.96      Oak Tree Permits

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### Sections:

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22.96.090	Enforcement

### **22.96.010 Purpose**

As one of the most picturesque trees in Los Angeles County, oak trees supply beauty and charm to the natural and man-made landscape. Oak trees add distinct and unique aesthetic character to the areas of Los Angeles County in which they are indigenous. Oak trees enhance the land value of individual parcels by providing energy conservation benefits through shade and acting as a windbreak, absorbing sound, serving as a land use buffer, providing erosion control, and contributing to aesthetic beauty. The oak tree permit is established to recognize oak trees as significant and valuable historical, aesthetic and ecological resources. The purpose of the oak tree permit is to:

- A. Protect, maintain and enhance the general public health, safety and welfare by reducing air pollution, soil erosion and other related environmental damage;
- B. Preserve and enhance property values by conserving oak trees, particularly heritage trees, and the natural communities in which they exist;
- C. Protect and preserve oak trees by incorporating their conservation into the development process; and
- D. Protect and preserve ecological diversity associated with the oak resource.

### **22.96.020 Definitions**

The following terms are defined for the purposes of this Chapter:

- A. **Canopy.** The total foliage spread or crown of a tree. Such spread includes leaves, twigs, and branches.
- B. **Damage.** Any act causing or intending to cause injury to the root system or other parts of a tree, including, but not limited to, the acts of burning, pruning, cutting, applying harmful substances, operation of equipment or machinery, paving,



changing the natural grade, and trenching or excavating within the protected zone of a protected oak tree.

- C. **Deadwood.** Limbs or branches on an oak tree that contain no green leaves or live tissue. A tree or limb may be considered dead if it does not show evidence of any green leaves or live branches over the span of one year, inclusive of prime growing weather.
- D. **Dripline.** A vertical line extending from the outermost portion of an oak tree canopy to the ground. When depicted on a map, the dripline will appear as an irregular shape that follows the contour of the tree's branches as seen from overhead.
- E. **Encroach.** Any act which damages an oak tree and/or to conduct any activity within the protected zone of any oak tree, including but not limited to:
  - 1. Construction and placement of permanent, semi-permanent or temporary structures;
  - 2. Grading; or
  - 3. Any single instance, repeated or permanent activities that would result in compaction of soils, such as parking, storage, etc. as determined by the Director or the County Forester.
- F. **Heritage oak tree.** A protected oak tree that has any one of the following:
  - 1. At least one tree trunk measuring 36 inches or more in diameter, as measured at four and one half feet above natural grade; or
  - 2. A combination of any two trunks measuring a total of 36 inches or more in diameter, as measured at four and one half feet above natural grade; or
  - 3. Any oak tree that is identified on the Federal or California Historic Resource Inventory to be of historical or cultural significance.
  - 4. Any oak tree having significant historical or cultural importance to the community, even if the tree diameter is less than 36 inches.
- G. **Oak tree.** A Valley Oak (*Quercus lobata*), Coast Live Oak (*Quercus agrifolia*) or any other tree of the oak genus.
- H. **Protected zone.** The surface and subsurface area of a protected oak tree that lies within the dripline of such tree, plus the area extending to a minimum of five feet beyond the dripline, or 15 feet outward from the outside perimeter of the trunk of such tree, whichever is greater.

- I. **Pruning.** The partial removal of a protected oak tree's shoots, branches, limbs or roots.
- J. **Public resource agency.** A government or non-profit agency that has the authority to manage, preserve or enhance public resources for the benefit of the county and its residents.

### **22.96.030 Applicability**

Unless an oak tree permit is first obtained as provided by this Chapter or except as otherwise provided in Section 22.96.040 (Exemptions), a person shall not cut, destroy, remove, relocate, inflict damage or encroach into a protected zone of any tree of the oak genus which is:

- A. Eight inches in diameter or 25 inches or more in circumference as measured four and one-half feet above mean natural grade;
- B. In the case of an oak with more than one trunk, whose combined diameter is at least 12 inches or more or circumference of any two trunks is at least 38 inches, as measured four and one half feet above mean natural grade, on any lot within the unincorporated area of Los Angeles County; or
- C. Any tree that has been provided as a replacement tree, pursuant to Section 22.96.080.A (Replacement Trees) on any lot within the unincorporated area of Los Angeles County.

### **22.96.040 Exemptions.** An oak tree permit shall not be required for:

- A. Any permit, variance or tentative map for a subdivision of property, including a minor land division, approved by the Board of Supervisors, Commission or the Director, prior to August 20, 1982, the initial effective date of this Chapter;
- B. Cases of emergency caused by an oak tree being in a hazardous or dangerous condition, or being irretrievably damaged or destroyed through flood, fire, wind or lightning, as determined after visual inspection the Forester, Fire Department, or Sheriff while in the performance of duty;
- C. Emergency or routine maintenance by a public utility necessary to protect or maintain an electric power or communication line or other property of a public utility;
- D. Tree maintenance, where such maintenance is limited to pruning of live branches, not to exceed two inches in diameter in accordance with guidelines published by the International Society of Arborists, intended to insure the continued health of a protected tree;
- E. Trees planted, grown and/or held for sale by a licensed nursery; and

- F. Trees within existing road rights-of-way where pruning is necessary to obtain adequate line-of-sight distances and/or to keep street and sidewalk easements clear of obstructions, or to remove or relocate trees causing damage to roadway improvements or other public facilities and infrastructure within existing road rights-of-way, as required by the Director of Public Works.

## **22.96.050 Application Filing, Fees and Project Review**

### **A. Applications.**

1. Applications for an oak tree permit shall be the same as for a Type IV application, in compliance with Chapter 22.124 (Type IV Applications - Discretionary);
2. Applications for the encroachment or removal of one oak tree in conjunction with a single-family residence shall be the same as for a Type II application, in compliance with Chapter 22.120 (Type II Applications – Discretionary).

### **B. Oak Tree Report.** In addition to the items of Subsection A, above, the applicant shall include an Oak Tree Report. The Oak Tree Report shall be reviewed accordingly:

1. ***Preparation of Report.*** The Oak Tree Report shall be prepared by an individual with expertise acceptable to the Director and County Forester, and certified to be true and correct, of each tree shown on the site plan, and shall contain all information requested by the Director.
2. ***Review and Inspection.*** Upon receipt of an application for an oak tree permit, the Director shall refer a copy of the Oak Tree Report to the County Forester. The County Forester shall review said report for the accuracy of statements contained therein, and shall make inspections on the project site. Such inspections shall verify the health and location of all protected oak trees on the project site and such other factors as may be necessary and proper to complete the review. A copy of said review shall be submitted in writing to the Director.
3. ***Recommended Conditions.*** The County Forester may recommend conditions for approval of an oak tree permit in order to preserve as many protected trees as feasible in accordance with appropriate forestry or arboriculture practices.
4. ***Requests for Additional Information.*** The County Forester may require additional information from the applicant and may consult with qualified agencies and other county departments as needed while reviewing the Oak Tree Report.

5. **Waiver.** The County Forester may waive the requirement of an Oak Tree Report in conjunction with a Type II application and the use of a single-family residence when listed as a use permitted in the zone.

## **22.96.060 Findings and Decision**

- A. **Authorized Actions.** An application for an oak tree permit may be approved or denied by the Review Authority.
- B. **Required Findings.** The Review Authority shall approve an oak tree permit only after the applicant substantiates all of the following required findings:
  1. The construction will be accomplished without endangering the health of any protected oak trees that were not specified in the application for removal or encroachment, if any, on the subject property; and
  2. The removal or encroachment into the protected zone(s) of the affected protected oak tree(s) will not result in soil erosion which cannot be satisfactorily mitigated; and
  3. At least one of the following:
    - a. The removal or encroachment into the protected zone(s) of the oak tree(s) is necessary as the protected trees impede the proposed use of the subject property to such an extent that:
      - i. Alternative development plans cannot achieve the same permitted density or that the cost of such alternative would be unreasonably excessive; and
      - ii. Location of such tree(s) prevents the reasonable use of such property for a use otherwise authorized; and
      - iii. The protected oak tree(s) proposed for removal or encroachment into their protected zone(s), interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the tree(s); or
    - b. That the oak tree(s) proposed for removal or relocation interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the tree(s), or
    - c. The condition of the protected oak tree(s) proposed for removal or encroachment into their protected zone(s), with reference to seriously

debilitating disease or danger or falling, is such that it cannot be remedied through reasonable preservation procedures and practices;  
or

- d. The removal or encroachment into the protected zone(s) of the protected oak tree(s) will not conflict with the intent and purpose of the oak tree permit procedure.

C. **Relocation.** For purposes of interpreting this section, while relocation is not prohibited by this Chapter, it is a voluntary alternative offering sufficient potential danger to the health of a tree as to require the same findings as removal.

D. **Failure to Substantiate Findings.** The Review Authority shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to substantiate all of the required findings to the satisfaction of the Review Authority.

## **22.96.070 Conditions of Approval**

In approving an oak tree permit, the Review Authority shall impose any conditions deemed reasonable and necessary to ensure that the approval will comply with Section 22.96.060 (Findings and Decision). These conditions are intended to mitigate anticipated impacts associated with the grant of an oak tree permit and may include, but are not limited to, the following:

### **A. Replacement Trees.**

- 1. ***Matters to be Considered.*** Protected oak trees proposed for removal shall be replaced with trees of a suitable type, size, number, location and date of planting. In determining whether replacement trees should be required, the Review Authority shall consider factors, including but not limited to the following:
  - a. The vegetative character of the surrounding area;
  - b. The number of protected oak trees proposed to be removed in relation to the number of oak trees currently existing on the subject property;
  - c. The anticipated effectiveness of the replacement of oak trees, as determined by the Oak Tree Report submitted by the applicant and evaluated by the County Forester; and
  - d. The development plans submitted by the applicant for the proposed construction or the proposed use of the subject property.

2. ***Ratio of Replacement Trees.*** The number of required replacement trees shall be as follows:
  - a. A minimum of two replacement trees shall be planted for each removed protected oak tree; and
  - b. A minimum of ten replacement trees shall be planted for removal of each heritage oak tree.
3. ***Size of Trees.*** Replacement trees shall be at least one inch in diameter as measured one inch above the soil level in the container base or greater and shall be of at least a 15-gallon specimen in size. Such trees may be free-form with multiple stems if the largest of the stems totals one inch or more in diameter. Replacement trees shall be subject to the approval of the County Forester.
4. ***Type of Replacement Trees.*** Replacement trees shall:
  - a. Be of the same genus and species as those oak trees that are removed or encroached;
  - b. Consist exclusively of indigenous oak trees; and
  - c. Be certified as grown from a seed source collected in Los Angeles or adjoining counties. Seed sources shall be approved by the County Forester.
5. ***Care of Replacement Trees.*** Replacement trees, where required by the County, shall be properly cared for and maintained for a minimum period of two years, or for a greater period if deemed necessary by the County Forester;
6. ***Planting Location.*** If feasible, replacement trees shall be planted and maintained on the subject property in the same general area where the removed or encroached oak trees were located.
7. ***Acorns.*** One acorn shall be planted at the same time as and within the watering zone of each replacement tree. Acorns shall be of the same species as the replacement tree and shall be identified with metal identification tags attached to redwood stakes.
8. ***Tree Protection.*** Screening to protect from browsing herbivores and omnivores shall be provided and maintained for replacement trees and acorns, as approved by the County Forester.

9. ***Tree Death.*** Any oak tree permitted for encroachment which dies during the maintenance period shall be replaced by replacement trees, as required by the County Forester.
10. ***Planting and Maintenance Supervision.*** The planting, maintenance, and monitoring of replacement trees shall be supervised in the field by an individual with expertise acceptable to the County Forester.
11. ***Relocation of Trees.*** The relocation of trees approved for removal shall not be deemed a mitigating factor in determining the need for replacement trees.
12. ***Manual.*** The applicant shall provide an oak tree informational publication, "Oak Trees: Care and Maintenance," prepared by the County of Los Angeles Fire Department, Forestry Division, to any future purchasers and to any related home association of the property.

**B. Los Angeles County Oak Forest Special Fund.** In-lieu fees may be collected for payment to the Los Angeles County Oak Forest Special Fund as follows:

1. ***Payment into Fund.*** When the Review Authority or County Forester determines that the planting of replacement trees is infeasible, they may recommend that the applicant mitigate anticipated impacts by paying an in-lieu fee into the Los Angeles County Oak Forest Special Fund administered by the County Fire Department. Payment shall be equivalent to the replacement cost or the resource value, as defined in Subsection B.2, below, of the protected trees, or portions of the protected trees, proposed for removal or encroachment.
2. ***Calculation of Resource Value.*** The oak tree resource value shall be calculated in accordance with the most current edition of the International Society of Arboriculture's "Guide to Establishing Values for Trees and Shrubs" by an individual with appropriate expertise, and shall be approved by the County Forester.
3. ***Fund Mitigation Measures.*** The Los Angeles County Oak Forest Special Fund in-lieu fees may be used for mitigation measures such as, but not limited to, the following:
  - a. Establishing, planting and maintaining new trees on publicly held lands;
  - b. Establishing and planting new trees on privately held land with adequate owner-agreed-to maintenance measures to the satisfaction of the Director and County Forester;

- c. Purchasing properties with prime oak woodlands that are located in unincorporated area near the removed or encroached oak trees, which properties may be held by a public resource agency in fee, as an open space easement, or in such other arrangement to the satisfaction of the County Forester; or
  - d. Purchasing properties containing sensitive oak trees of cultural or historical significance.
- 4. **Administration of Fund.** Not more than 10 percent of the funds collected and deposited into the Los Angeles County Oak Forest Special Fund may be used to study and identify appropriate programs for accomplishing these purposes.

C. **Oak Tree Protection Plan.** A plan for protecting oak trees on the subject property during and after development shall include, but is not limited to, the following requirements:

- 1. The installation of chain link fencing not less than four feet in height around the protected zone of trees shall be shown on the site plan. Said fencing shall be in place and inspected by the County Forester prior to commencement of any activity on the subject property. Said fencing shall remain in place throughout the entire period of development and shall not be removed without written authorization from the County Forester;
- 2. Where grading or any other similar activity is specifically approved within the protected zone, the applicant shall provide an individual with special expertise acceptable to the County Forester to supervise all excavation or grading proposed within the protected zones and to further supervise, monitor and certify to the County Forester the implementation of all conditions imposed in connection with the applicant's oak tree permit;
- 3. Any excavation or grading allowed within the protected zone or within 15 feet of the trunk of a tree, whichever distance is greater, shall be limited to hand tools or small hand-power equipment;
- 4. Trees on other portions of the subject property not included within the site plan shall also be protected with chain link fencing thus restricting storage, machinery storage or access during construction;
- 5. Trees on the site plan shall be physically identified by number on a tag affixed to the north side of the tree in a manner preserving the health and viability of the tree. The tag shall be composed of a noncorrosive all-weather material and shall be permanently affixed to the tree. The tree shall be similarly designated on the site plan in a manner acceptable to the County Forester;



6. Corrective measures for trees noted on the Oak Tree Report as requiring remedial action shall be taken, including pest control, pruning, fertilizing and similar actions;
7. Utility trenching shall avoid encroaching into the protected zone on its path to and from any structure to the extent feasible as determined by the County Forester;
8. At the start of grading operations and throughout the entire period of development, no person shall perform any work for which an oak tree permit is required unless a copy of the Oak Tree Report, location map, fencing plans, and approved oak tree permit and conditions are in the possession of a responsible person and also available at the site.

#### **22.96.080 Post Decision Procedures**

Oak tree permit post decision procedures shall be the same as for a Type IV permit, in compliance with Section 22.124.060 (Findings Decisions and Post-Decision Procedures).

#### **22.96.090 Enforcement**

In interpreting the provisions of Section 22.02.070 (Condition of Land Use Approval) as they apply to this Chapter, each individual tree cut, destroyed, removed, relocated or damaged in violation of these provisions shall be deemed a separate offense.